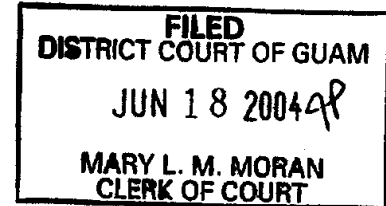


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Attorneys for Petitioner PacifiCare Health Insurance
Company of Micronesia, Inc. dba PacifiCare Asia Pacific

IN THE DISTRICT COURT OF GUAM

TERRITORY OF GUAM

IN THE MATTER OF THE
ARBITRATION BETWEEN
PACIFICARE HEALTH INSURANCE
COMPANY OF MICRONESIA, INC.
dba PACIFICARE ASIA PACIFIC,

Petitioner,

and

GOVERNMENT OF GUAM,

Respondent.

CIVIL CASE NO. **04-00030**

**NOTICE AND EX PARTE
APPLICATION TO OBTAIN
COURT APPOINTMENT OF
ARBITRATOR**

This is an *ex parte* application pursuant to Local Rule 7.1 (j), for the purpose of expediting resolution of Petitioner's application to obtain court appointment of an arbitrator. Opposing counsel in the matter is known and believed to be Joseph A. Guthrie, Esq. of the Attorney General's Office. The application is pursued on an *ex parte* basis because the Arbitration Procedure which governs this matter calls for convening of an arbitration within 30-45 days of filing of a notice of arbitration, and if this matter were to be decided as a standard,

ORIGINAL

noticed motion, it is unlikely that an arbitration hearing could be convened within the time frame provided by the Agreement.

The undersigned certifies that he has made a good faith effort to advise counsel for the Government of the substance of the proposed *ex parte* application by serving the moving papers upon the office of the Attorney General. The date and time of the hearing will be supplied by the Court, and this information will then be promptly transmitted to the Attorney General's Office.

It is anticipated that the Attorney General's Office will oppose the application and will request to be present when the application is presented to and heard by the Court.

Please take notice that upon the petition of Petitioner PacifiCare Health Insurance Company of Micronesia, Inc. dba PacifiCare Asia Pacific, a copy of which is attached, the undersigned will move this Court at the District Court of Guam, on June 24, 2004, at 9:30 A.M., or as soon thereafter as counsel may be heard, for an order appointing an arbitrator pursuant to Title 9, United States Code, Section 5, and for such other and further relief as may be proper.

Dated this 18th day of June, 2004.

MAIR, MAIR, SPADE & THOMPSON
A Professional Corporation
Attorneys for Petitioner PacifiCare Health Insurance
Company of Micronesia, Inc. dba PacifiCare Asia Pacific

By: 

RANDALL TODD THOMPSON

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